



General Assembly

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International Law Commission

Sixty-first session

Geneva, 4 May-5 June and 6 July-7 August 2009

Filling of casual vacancies in the Commission

Note by the Secretariat

1. By a letter dated 25 March 2009 addressed to the Legal Counsel of the United Nations, Mr. Chusei Yamada submitted his resignation from the International Law Commission. There is therefore one casual vacancy in the membership of the Commission.

2. In this instance, article 11 of the statute of the Commission is applicable. The article prescribes that:

"In the case of a vacancy, the Commission itself shall fill the vacancy having due regard to the provisions contained in articles 2 and 8 above".

Article 2 reads:

"1. The Commission shall consist of thirty-four members who shall be persons of recognized competence in international law.

"2. No two members of the Commission shall be nationals of the same State.

"3. In case of dual nationality a candidate shall be deemed to be a national of the State in which he ordinarily exercises civil and political rights".

Article 8 reads:

"At the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principle systems of the world should be assured".

3. The term of the member to be elected by the Commission will expire at the end of 2011.



II. Curriculum vitae of candidate

Shinya Murase (Japan)

Male, born in Nagoya, Japan, 4 April 1943.

Present position: Professor, Jochi (Sophia) University Faculty of Law

Education

- 1961-1962: AFS Exchange Student at Artesia High School, New Mexico, United States of America
- 1963: Graduated from Tokai High School, Nagoya
- 1967: B.A. from International Christian University, Tokyo
- 1969: LL.M from University of Tokyo Graduate School of Law
- 1972: S.J.D. from University of Tokyo Graduate School of Law

Profession

- 1972-1974: Lecturer, Rikkyo (St. Paul's) University College of Law
- 1974-1982: Associate Professor, Rikkyo University College of Law
- 1974-1976: Visiting Scholar/Research Fellow, Harvard Law School
- 1980-1982: Legal Officer, Codification Division, Office of Legal Affairs, United Nations
- 1982-1993: Professor, Rikkyo University College of Law
- 1993-Present: Professor, Jochi (Sophia) University Faculty of Law
- 1995: Visiting Professor, Columbia Law School
- 1998-2004: Judge, Administrative Tribunal, Asian Development Bank

Academic associations

1. *Kokusaiho Gakkai* (Japanese Society of International Law): Member of the Executive Council (1988-Present)
2. *Sekaiho Gakkai* (Japanese Association of World Law): Member of the Executive Council (1988-2008)
3. *Kokusai Keizaiho Gakkai* (Japan Association of International Economic Law), President (2004-2006)
4. *Kokusaiho Kyokai* (Japan Branch of the International Law Association): Member of the Executive Council (1992-present)
5. International Law Association: Member of the Executive Council (1999-present)
6. American Society of International Law: Member of the Executive Council (1992-1995)
7. Hague Academy of International Law: Member of the Curatorium (2004-present)

Other activities

Legal Adviser to the Delegation of Japan at the Sixth Committee of the United Nations General Assembly (1991)

Member of the Panel of Diplomatic Policy Assessment, Ministry for Foreign Affairs of Japan (2002)

Member of the Eminent Persons/Experts Panel of the ASEAN Regional Forum (2002-present)

Member and Acting Chair of the Committee on a Future Framework for Addressing Climate Change of the Industrial Structure Council, Ministry of Economy, Trade and Industry of Japan (2004-present)

Lead Author, Intergovernmental Panel on Climate Change, WG-III (2004-2007)

Member of the Prime Minister's Advisory Panel on the Legal Problems concerning National Security (2007-2008)

Member of the Headquarters Council for the Research Activities of the Antarctic Area, Ministry of Education, Culture and Science of Japan (2007-present)

Chair, Committee on the Legal Principles relating to Climate Change, International Law Association (2008-present)

Major publications

(1) Books in Japanese (solo authorship):

Kokusaiho no Keizaiteki Kiso (Economic Basis of International Law), Yuhikaku, 2001, 322 pages

Kokusai Rippo: Kokusaiho no Hogenron (International Lawmaking: Sources of International Law), Toshindo, 2002, 748 pages

(2) Books in Japanese (editorship):

Buryokufunso no Kokusaiho (International Law of Armed Conflict), Toshindo, 2004, 895 pages (ed. with Akira Mayama)

Jieiken no Gendaiteki Tenkai (The Right of Self-defence in the Contemporary Context), Toshindo, 2007, 308 pages

Kokusai Keiji Saibansho (International Criminal Court), Toshindo, 2008, 360 pages (ed. with Keiko Ko)

Kaiyo Kyokai Kakutei no Kokusaiho (International Law of Maritime Boundary Delimitation), Toshindo, 2008, 225 pages (ed. with Junichi Eto)

Kokuren Anpori no Kinou Henka (Changing Functions of the United Nations Security Council), Toshindo, 2009, 200 pages (forthcoming)

(3) Articles in Japanese: numerous articles, essays and judicial reviews (omitted)

(4) Articles in English:

1. "The Most-Favored-Nation Treatment in Japan's Treaty Practice 1854-1905", *American Journal of International Law*, vol. 70, 1976, pp. 273-297

2. "International Lawmaking for the New International Economic Order", *The Japanese Annual of International Law*, No. 25, 1982, pp. 45-66

3. "Trade versus Security: The COCOM Regulations in Japan", *The Japanese Annual of International Law*, No. 31, 1988, pp. 1-17
4. "Reception of International Law into Domestic Law of Japan", *Proceedings of the 19th Annual Conference of the Canadian Council on International Law*, 1990, pp. 263-272
5. "Remarks on International Lawmaking for the Protection of the Global Environment", *The Proceeding of the American Society of International Law*, 1991, pp. 409-413
6. "Perspectives from International Economic Law on Transnational Environmental Issues", *Recueil des cours de L'Académie de Droit international*, vol. 253, 1995, pp. 283-431
7. "Unilateral Measures and the WTO Dispute Settlement", in Simon Tay & Dan Esty, eds., *Asian Dragons and Green Trade: Environment, Economics and International Law*, Times Academic Press, 1996, pp. 137-144
8. "Unilateral Measures and the Concept of Opposability in International Law", *Thesaurus Acroasium*, Thessaloniki Institute of International Public Law, vol. 28, 1999, pp. 397-454
9. "The Relationship between the United Nations Charter and General International Law regarding Non-use of Force: The Case of NATO's Air Campaign in the Kosovo Crisis of 1999", *Liber Amicorum Judge Shigeru Oda*, Kulwer Law International, 2002, pp. 1543-1553
10. "Legal Problems of the International Environmental Regimes", *Thesaurus Acroasium*, vol. 31, Thessaloniki Institute of International Public Law, 2002, pp. 297-340
11. "Thomas Baty in Japan: Seeing through the Twilight", *The British Year Book of International Law*, vol. 73, 2002, pp. 315-342
12. "Trade and the Environment: With Particular Reference to Climate Change Issues", *Manchester Journal of International Economic Law*, vol. 2, Issue 2, 2005, pp. 18-38
13. "Trade and the Environment: With Particular Reference to Climate Change Issues", Harald Hohmann, ed., *Agreeing Implementing the Doha Round of the WTO*, Cambridge University Press, 2008, pp. 391-419 (reproduction of 12 above)
14. "Unilateral Responses to International Terrorism: Self-defense or Law-enforcement?", in Sienho Yee & Jacques-Yvan Morin, eds., *Multiculturalism and International Law, Essays in Honour of Edward McWhinney*, Martinus Nijhoff, 2009, pp. 429-444
15. "Presence of Asia at the Hague Peace Conference of 1907", *Colloquium, Topicality of the Hague Peace Conference of 1907*, Hague Academy of International Law, Martinus Nijhoff, 2009, pp. 85-101